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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE  
REAL ESTATE APPRAISER BOARD

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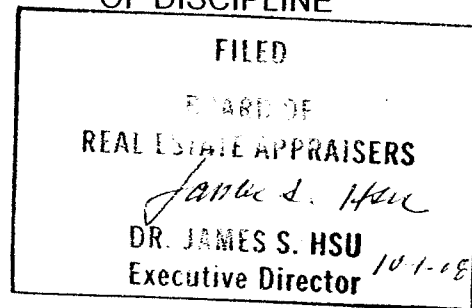
IN THE MATTER OF THE  
LICENSE OF

JAMES SCARDUZIO  
RA 00375500

TO ENGAGE IN REAL ESTATE  
APPRAISING IN THE  
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE



This matter was opened to the New Jersey State Real Estate Appraiser Board ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed residential real estate appraiser in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto.
2. On or about February 11, 2008, the Board conducted a continuing education audit, asking a random sampling of its licensees for documentation of having completed the continuing education requirements set forth in N.J.A.C. 13:40A-5.3 and N.J.A.C. 13:40A-5.4 for the 2006-2007 licensing period. The request for information was sent by regular mail to licensees at their address of record.
3. Respondent replied to the audit, indicating that he had completed twenty

three (23) credit hours of continuing education courses during the 2006-2007 licensing period. He belatedly completed an additional six credit hours of continuing education in March of 2008 in satisfaction of his 2006-2007 obligation.

4. Respondent certified upon respondent's renewal application for the 2008-2009 licensure renewal period that respondent had completed the continuing education requirements during the previous biennial renewal period.

5. Respondent certified upon respondent's renewal application that respondent had completed a course in the Uniform Standards of Professional Appraisal Practice (USPAP).

6. Respondent is required pursuant to N.J.A.C. 13:40A-5.3, -5.4 to have completed the equivalent of fourteen (14) classroom hours of instruction for each year during the period preceding renewal. The continuing education completed must include a seven hour USPAP course, or its equivalent.

7. The Real Property Appraiser Qualification Criteria, issued by the Appraiser Qualifications Board of the Appraisal Foundation, do not recognize any reason apart from military service or inactive status as a justifiable reason for failure to timely complete continuing education requirements.

8. Respondent has demonstrated belated successful completion of the requisite 28 credit hours of continuing education.

#### CONCLUSIONS OF LAW

1. Respondent's admission of failure to timely complete continuing education requirements constitutes a violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

2. Respondent's certification on his renewal form that he had successfully completed the 2006-2007 continuing education requirements constitutes misrepresentation, in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 18, 2008, provisionally imposing a public reprimand, and a civil penalty in the amount of \$500.00. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, asking for consideration, explaining that he had not deliberately engaged in misrepresentation with respect to his continuing education requirements, because he believed that he was required to complete only 21 credit hours of continuing education for each two-year licensing period. The Board considered this matter, and determined that no material discrepancies had been raised with respect to the findings of fact and conclusions of law. The Board was not persuaded that respondent's argument warranted modification of the Order, inasmuch as the continuing education requirements for licensees with respect to 28 hours was no recent innovation, but had been the requirement for years, respondent is not a new

licensee, and moreover it was respondent's responsibility to be aware of his duties as a licensee. The Board therefore determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 15<sup>th</sup> day of October, 2008,  
ORDERED that:

1. A public reprimand is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21(b), (e) and (h).
2. A civil penalty in the amount of \$500.00 is hereby imposed upon respondent. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, 3<sup>rd</sup> Floor, Newark, NJ 07101, within twenty-one (21) days following issuance of this Order.

NEW JERSEY STATE  
REAL ESTATE APPRAISER BOARD



Cheryle Randolph-Sharpe  
Board President